

Appl. No. 09/811,662
Reply to Examiner's Action dated 08/25/2005

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-19 in the application. In a previous response, the Applicant amended Claim 14 and added Claim 20. In the present preliminary amendment, the Applicant has amended Claims 1, 2, 6 and 14. Support for the amendment can be found in paragraphs 17-18, 24-25 and Figures 2 and 4 of the original specification. No claims have been added or canceled in the preliminary amendment. Accordingly, Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1, 3-6 and 8-13 under 35 U.S.C. §102

Previously, the Examiner rejected Claims 1, 3-6 and 8-13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,635,088 to Hind, *et al.* The Applicant believes the presently pending claims are not anticipated by Hind since Hind does not teach processing a received message at a receiving device including analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message as recited in amended independent Claim 1 or receiving messages in a non-negotiated language without employing a fixed protocol as recited in amended independent Claim 6.

Hind is directed to reducing the size of documents employing compression techniques. (See column 1, lines 8-12.) Hind teaches XML notation functions as a conduit to enable a smooth transfer of information from an application that generates tags (and corresponding data) for a file according to a particular data model and transmits that file to a receiving application that also understands the data model. The receiving application can then process data from the transmitted

Appl. No. 09/811,662
Reply to Examiner's Action dated 08/25/2005

files as intended by the generating (transmitting) application. By parsing the tags of the data model, the receiving application can re-create the information as the generating application intended. (*See column 1, lines 50-62.*) Document Type Definition (DTD) may be used with XML files and encoded in a file which is intended to be processed. The DTD informs the parser how to interpret the document which was created according to the DTD. (*See column 1, line 63 to column 2, line 2.*)

Parsing the tags in Hind does not teach analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message as recited in amended independent Claim 1. On the contrary, Hind parses the tags to determine how to recreate the information in a data model. (*See column 1, lines 58 to column 2, lines 2.*) Hind provides no teaching of determining if the data model can be processed but teaches how information in the data model is processed.

Additionally, it is not inherent that Hind teaches analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message since Hind teaches determining how to process information in a data model. For example, the receiver in Hind receive files that can be processed. Thus, the receiver would just need to determine how to process a file and no determination if a file can be processed would be needed. Parsing a tag in Hind, therefore, does not necessarily disclose analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message as recited in amended independent Claim 1.

Appl. No. 09/811,662
Reply to Examiner's Action dated 08/25/2005

As such, Hind does not teach analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message. Hind, therefore, does not teach each element of amended independent Claim 1.

Additionally, Hind does not teach receiving messages in a non-negotiated language without employing a fixed protocol as recited in amended independent Claim 6. Instead, Hind discloses a data processing network that employs protocols for connections. (See column 6, lines 42-58 and Figure 2.) Accordingly, Hind does not teach each element of amended independent Claim 6. Since Hind does not teach each and every element of amended independent Claims 1 and 6, Hind does not anticipate Claims 1 and 6 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102 rejection with respect to Claims 1, 3-6 and 8-13 and allow issuance thereof.

Regarding amended dependent Claim 2, the Applicant finds no teaching in Hind of comparing at least one tag of a message with a table of a receiving device and determining the message can be processed if the table includes the at least one tag. As discussed above, Hind does not even disclose determining if a message can be processed.

II. Rejection of Claims 2, 7 and 14-20 under 35 U.S.C. §103

Previously, the Examiner rejected Claims 2, 7 and 14-20 under 35 U.S.C. §103(a) as being unpatentable over Hind in view of U.S. Patent No. 6,738803 to Dodrill, *et al.* Claim 2 has been amended and is addressed above. Thus, the previous rejection of Claim 2 is now moot. Regarding Claims 7 and 14-20, the Applicant believes the presently pending claims are not obvious over Hind

Appl. No. 09/811,662
Reply to Examiner's Action dated 08/25/2005

in view of Dodrill.

As discussed above, Hind does not teach each element of amended independent Claims 1 and 6. Hind also does not suggest each element of amended independent Claims 1 and 6. Regarding amended Claim 1, the Applicant finds no suggestion in Hind of analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message. On the contrary, Hind relates to reducing the size of documents employing compression techniques. (See column 1, lines 8-12.) Additionally, the Applicant finds no suggestion in Hind of receiving messages in a non-negotiated language without employing a fixed protocol as recited in amended independent Claim 6. Instead, Hind discloses a data processing network that employs protocols for connections. (See column 6, lines 42-58 and Figure 2.) Thus, the Applicant does not see where Hind teaches or suggests each element of amended independent Claims 1 and 6.

Since Hind does not teach or suggest analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message, Hind also does not teach or suggest each element of amended independent Claim 14 which includes: a tag recognizer configured to determine to what extent a message can be processed by a receiving device by analyzing tags in the message wherein the analyzing occurs at the receiving device. Dodrill does not cure these noted deficiencies of Hind. On the contrary, Dodrill teaches a proxy browser that employs a device capabilities table to identify the capabilities of user devices and only send information to a user device that the user device can process. (See column 11, line 49 to column 12, line 6, and Figure 3.) Thus, a user device in Dodrill is not concerned with determining to

Appl. No. 09/811,662
Reply to Examiner's Action dated 08/25/2005

what extent a message can be processed since the user device receives information that it can process.

The cited combination of Hind and Dodrill, therefore, does not teach or suggest each and every element of amended independent Claims 1, 6 and 14. Accordingly, the cited combination of Hind and Dodrill does not provide a *prima facie* case of obviousness of independent Claims 1, 6 and 14 and Claims dependent thereon. The Applicant, therefore, respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 2, 7 and 14-20 and allow issuance thereof.

Appl. No. 09/811,662
Reply to Examiner's Action dated 08/25/2005

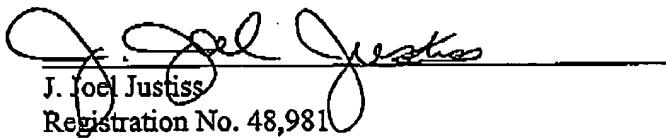
III. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-20.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss
Registration No. 48,981

Dated: March 3, 2006

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800